

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

EASTERN AFFILIATED SERVICES	:	Civil No. 07- 3598(KSH)
CORP.	:	
	:	
v.	:	
	:	
PROMOTION IN MOTION COMPANIES,	:	
INC., ET AL.	:	ORDER ON INFORMAL APPLICATION

This matter having come before the Court on the motion of the defendant to add a plaintiff and assert a counterclaim against said plaintiff;

and the Court directing the movant to submit a letter that sets forth the Federal Rule of Civil Procedure and case law that would permit such a request;¹

IT IS THEREFORE ON THIS 10th day of November, 2008

ORDERED that, no later than **November 12, 2008 at 10:00 a.m.**, the defendant shall submit a letter no longer than three pages that sets forth the legal authority that would permit a defendant to add a plaintiff and file a counterclaim against such a plaintiff.

s/Patty Shwartz
United States Magistrate Judge

¹ The movant cited Fed. R. Civ. P. 20 in its brief. Rule 20(a) provides:

Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

The language of the Rule contemplates that each plaintiff so joined must be asserting a claim for relief. In the instant request, the proposed plaintiff would not be asserting a claim for relief but rather a claim for relief is being asserted against it. Thus, the language of Rule 20 does not support the movant's request to add a plaintiff for the purpose of asserting a claim against it.